



# House of Representatives

General Assembly

**File No. 77**

February Session, 2018

Substitute House Bill No. 5355

*House of Representatives, March 28, 2018*

The Committee on Environment reported through REP. DEMICCO of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT ESTABLISHING STANDARDS FOR THE ADEQUACY OF DOG SHELTER DURING EXTREME WEATHER CONDITIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-350a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) No person shall tether a dog to a stationary object or to a mobile  
4 device, including, but not limited to, a trolley or pulley by means of:  
5 (1) A tether that does not allow such dog to walk at least eight feet,  
6 excluding the length of such dog as measured from the tip of such  
7 dog's nose to the base of such dog's tail, in any one direction, (2) a  
8 tether that does not have swivels on both ends to prevent twisting and  
9 tangling, unless a person is in the presence of such dog, (3) a coat  
10 hanger, choke collar, prong-type collar, head halter or any other collar,  
11 halter or device that is not specifically designed or properly fitted for  
12 the restraint of such dog, (4) a tether that has weights attached or that  
13 contains metal chain links more than one-quarter of an inch thick, [or]  
14 (5) a tether that allows such dog to reach an object or hazard,

15 including, but not limited to, a window sill, edge of a pool, fence,  
16 public road or highway, porch or terrace railing that poses a risk of  
17 injury or strangulation to such dog if such dog walks into or jumps  
18 over such object or hazard, unless a person is in the presence of such  
19 dog, or (6) a tether that does not permit the dog continuous access to  
20 water in a sanitary and liquid state whenever the dog is tethered for  
21 more than fifteen minutes. The provisions of subdivisions (1) and (2) of  
22 this subsection shall not be construed to apply to: (A) Any veterinary  
23 practice licensed pursuant to section 20-197 that tethers a dog in the  
24 course of such veterinary practice, (B) any exhibition, show, contest or  
25 other temporary event in which the skill, breeding or stamina of such  
26 dog is judged or examined, (C) any exhibition, class, training session or  
27 other temporary event in which such dog is used in a lawful manner to  
28 hunt a species of wildlife during the hunting season for such species of  
29 wildlife or in which such dog receives training in a lawful manner to  
30 hunt such species of wildlife, (D) the temporary tethering of a dog at  
31 any camping or recreation area as expressly authorized by the  
32 Commissioner of Energy and Environmental Protection, or (E) the  
33 temporary tethering of a dog at a grooming facility in the course of  
34 grooming such dog.

35 (b) No person shall: [tether] (1) Tether a dog outdoors to a stationary  
36 object or to a mobile device, including, but not limited to, a trolley or a  
37 pulley, [when] or (2) fail to provide a dog with continuous access to  
38 adequate shelter when a weather advisory or warning is issued by  
39 local, state or federal authorities or when outdoor environmental  
40 conditions, including, but not limited to, extreme heat, cold, wind,  
41 rain, snow or hail, pose an adverse risk to the health or safety of such  
42 dog based on such dog's [breed] size, age or physical condition, unless  
43 tethering or lack of access to adequate shelter is for a duration of not  
44 longer than fifteen minutes.

45 (c) Nothing in this section shall be construed to affect any protection  
46 afforded to any dog pursuant to any other provision of the general  
47 statutes, regulations of the Connecticut state agencies, local ordinance  
48 or local regulation.

49 (d) Any person who confines or tethers a dog for an unreasonable  
50 period of time or in violation of the provisions of subsection (a) or (b)  
51 of this section shall be fined one hundred dollars for the first offense,  
52 two hundred dollars for a second offense, and not less than two  
53 hundred fifty dollars or more than five hundred dollars for a third or  
54 subsequent offense.

55 (e) Notwithstanding the provisions of subsection (b) of this section,  
56 adequate shelter need not be continuously provided to a dog when a  
57 person is in the presence of the dog and exposed to the same adverse  
58 environmental conditions as the dog.

59 (f) For purposes of this section, "adequate shelter" means any  
60 structure that meets the following standards and requirements:

61 (1) It provides at all times (A) access to water in a sanitary and  
62 liquid state, and (B) space that enables the dog to readily turn around,  
63 sit and lie down;

64 (2) It is constructed and maintained in a manner to minimize the  
65 accumulation of any waste, debris, precipitation and other moisture in  
66 and around the shelter and maximize the dog's exposure to natural or  
67 artificial light according to a regular diurnal light cycle;

68 (3) It is soundly constructed to prevent the sagging or collapse of the  
69 structure;

70 (4) In the event of adverse cold weather environmental conditions, it  
71 is an enclosed structure that has a solid roof, a solid floor that is raised  
72 off the ground, and insulation, dry bedding and a windbreak at the  
73 entrance that are sufficient to maintain the dog's normal body  
74 temperature;

75 (5) In the event of adverse hot weather environmental conditions, it  
76 provides the dog with sufficient shade and ventilation to maintain the  
77 dog's normal body temperature; and

78 (6) It does not contain a supplemental heating mechanism that poses

79    a risk of fire.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2018</i>	22-350a
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**ENV**        *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Resources of the General Fund	GF - Potential Revenue Gain	Less than 5,000	Less than 5,000

Note: GF=General Fund

**Municipal Impact:** None**Explanation**

The bill expands laws requiring adequate shelter and tethering for dogs that are alone for more than 15 minutes outside during adverse weather conditions, and subjects violators to existing fines. Currently, there are no restrictions for how long dogs can be tethered outside.

Violators of the bill's provisions are subject to fines. Expansion of the animal shelter and tethering law may result in a revenue gain to the state to the extent additional violations occur. Any revenue gain is anticipated to be less than \$5,000 annually. In FY 17, there was approximately \$1,500 in revenue collected from tethering fines.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

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**OLR Bill Analysis****sHB 5355*****AN ACT ESTABLISHING STANDARDS FOR THE ADEQUACY OF  
DOG SHELTER DURING EXTREME WEATHER CONDITIONS.*****SUMMARY**

This bill requires a dog to be provided continuous access to adequate shelter, as defined in the bill, when (1) local, state, or federal authorities issue a weather advisory or warning or (2) adverse outdoor conditions pose a risk to the dog's health or safety based on the dog's size, age, or physical condition. This requirement applies only when the dog is outdoors for more than 15 minutes. The bill waives this requirement when the dog is with a person who is exposed to the same adverse conditions as the dog.

The bill also prohibits a person from tethering a dog to a stationary object or mobile device (e.g., trolley or pulley) for more than 15 minutes if the tether does not allow the dog continuous access to sanitary, liquid water.

Current law prohibits a person from tethering a dog to a stationary object or mobile device for more than 15 minutes when (1) local, state, or federal authorities issue a weather advisory or warning or (2) adverse outdoor conditions pose a risk to the dog's health or safety based on the dog's breed, age, or physical condition. The bill requires consideration of the dog's size, instead of breed.

Anyone who violates these requirements is subject to a fine of \$100 for a first offense, \$200 for a second offense, and between \$250 and \$500 for a third or subsequent offense.

EFFECTIVE DATE: October 1, 2018

**ADEQUATE SHELTER DEFINED**

Under the bill, “adequate shelter” means a structure that:

1. provides, at all times, (a) access to sanitary, liquid water and (b) room for the dog to readily turn around, sit, and lie down;
2. is constructed and maintained in a way that (a) minimizes the accumulation of waste, debris, precipitation, and other moisture and (b) maximizes the dog’s exposure to natural or artificial light on a regular daily light cycle;
3. is constructed soundly to prevent sagging or collapse;
4. has a solid roof, solid floor that is raised off the ground, insulation, dry bedding, and a windbreak at the entrance to protect against adverse cold weather and maintain the dog’s normal body temperature;
5. provides the dog with shade and ventilation to protect against adverse hot weather and maintain the dog’s normal body temperature; and
6. does not contain a heating mechanism that poses a risk of fire.

### **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea    20    Nay   9    (03/14/2018)